

01.03.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(DB) 783 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Harischandrapur** Police Station Case No. **1157** of **2022** dated **29.12.2022** under Sections 417/376 of the Indian Penal Code.

And

In the matter of: Tonik Das

..... petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder
....for the petitioner

Mr. Debabrata Chatterjee, Ld. A.P.P.
Mr. Santanu Chatterjee
....for the State

Mr. Soupal Chatterjee,
Ms. Sucheta Banerjee
...for the de facto complainant

Petitioner is in custody for 62 days.

The statement of the victim recorded under Section 164 of the Criminal Procedure Code states that a physical relationship was entered into on a promise of marriage. Thereafter, the petitioner allegedly did not agree to marry.

De facto complainant is represented.

Petitioner and the de facto complainant are adults.

The issue as to whether the petitioner at all made the promise of marriage or whether there was any physical

relationship are issues which are required to be determined at the trial.

Considering the detention of the petitioner and the materials in the case diary we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

